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Attorneys for Plaintiff,
NEW YORK MARINE AND
GENERAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY, a corporation,

Plaintiff,

vs.

MIKE NESS; CRIME DON'T PAY, INC.;
BLACK KAT KUSTOMS

Defendants.

Case No. 2:20-cv-00765-KJM-AC

**STIPULATION TO FILE CORRECTED
COMPLAINT AND EXTEND TIME TO
RESPOND TO COMPLAINT**

1 Plaintiff New York Marine and General Insurance Company and Defendants Mike Ness,
2 Crime Don't Pay, Inc. and Black Kat Kustoms by and through their respective counsel of record,
3 hereby stipulate as follow:

4 Whereas Plaintiff filed its Complaint For Declaratory Relief And Reimbursement
5 [Document 1] on April 14, 2020;

6 Whereas Plaintiff served requests to waive service of summons on Defendants;

7 Whereas Defendants executed the waivers [Documents 6, 7 and 8];

8 Whereas Defendants' responses to the Complaint would be due on July 20, 2020;

9 Whereas Defendants requested and Plaintiff consented to an additional fourteen (14) days
10 for Defendants to respond to the Complaint;

11 Whereas the additional time will not alter the date of any event or deadline already fixed
12 by the Court order;

13 Whereas the parties became aware during the time Defendants were preparing their
14 response to the Complaint that there are two typographical errors in paragraphs 9 and 10 on page 3
15 of Plaintiff's Complaint For Declaratory Relief And Reimbursement [Document 1];

16 Whereas Paragraph 9 states that the effective period for Commercial General Liability
17 Policy No. PK201700009189 was December 4, 2018 to December 4, 2019 and it should have
18 stated the effective dates of December 4, 2017 to December 4, 2018;

19 Whereas Paragraph 10 states that the effective period for Umbrella Liability Policy No.
20 UM201700004877 was December 4, 2018 to December 4, 2019 and it should have stated the
21 effective dates of December 4, 2017 to December 4, 2018;

22 Whereas the parties would like to avoid any confusion that might arise as to the operative
23 pleading by filing a "corrected" version of the Complaint with its own docket entry rather than a
24 notice of Errata that would be more easily overlooked in the future;

25 Whereas a corrected copy of Plaintiff's Complaint For Declaratory Relief And
26 Reimbursement is attached hereto as **Exhibit A**; and

27 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
28 their respective counsel that:

1. Plaintiff may file its "corrected" complaint, Exhibit A; and
2. Defendants have until August 3, 2020 to answer or otherwise respond to the Complaint.

DATED: July 20, 2020

MUSICK, PEELER & GARRETT LLP

By: /s/ Susan J. Field

Susan J. Field

Chad A. Westfall

Attorneys for Plaintiff,

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY

DATED: July 20, 2020

FLESHER SCHAFF & SCHROEDER LLP

By: /S/ Jason W. Schaff

Jason W. Schaff

Attorneys for Defendants,

MIKE NESS; CRIME DON'T PAY, INC.; and
BLACK KAT KUSTOMS

IT IS ORDERED that:

1. Plaintiff may file its "amended" complaint, Exhibit A, within 5 days of the date of this order; and
2. Defendants have until August 3, 2020 to answer or otherwise respond to the amended complaint.

This order resolves ECF No. 9.

DATED: July 24, 2020.


CHIEF UNITED STATES DISTRICT JUDGE